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REPLY TO: ROCHESTER

March 30, 2017

VIA FAX

Honorable Jonathan W. Feldman
United States Magistrate Judge
U.S. Courthouse
100 State Street
Rochester, NY 14614



Re: *United States v. Richard Leon Wilbern*, 17-cr-6016-CJS-JWF
United States v. Richard Leon Wilbern, 17-cr-6017-CJS-JWF

Dear Magistrate Judge Feldman:

The above captioned matter is presently scheduled for an appearance for status on Tuesday April 4, 2017, at 11:00 a.m. I respectfully request that this appearance be postponed for 30 days in light of the following. Earlier this month, the government provided a partial discovery disclosure which included material relating to approximately 1000 leads in the case. The material is not only in documentary; .pdf, format but also audio and video format. AUSA Gregory indicates that additional discovery materials including forensic images of seized devices, FBI 302 forms, and additional video recordings will be provided over the next one to two weeks. I request that the Court continue the status appearance until this remaining discovery has been provided. Once I have had the opportunity to assess this additional material, I will be in a position to offer a reasonable estimate of the time needed to frame and file defense motions.

I also request that the Court exclude this time in the interests of justice pursuant to 18 U.S.C. 3161(h)(7) as it is in my client's interest that the defense receive all of the discovery in the case so as to accurately assess how much time will be required to review the material and prepare the defense's pretrial motions in the case. AUSA Gregory indicates that he does not object to my request. AUSA Gregory has also informed me that he is not available until after April 25th. I enclose proposed orders.

Very truly yours,

Anne M. Burger
Assistant Federal Public Defender

Encl.

cc: Douglas Gregory, AUSA (via fax)